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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
OA 1286/88, NEW DELHI, this 25th day of November, 1993.

Hon'ble Shri N.V.Krishnan, Vice-Chairman(A)

Hon'ble Shri C.J. Roy, Member(J)

Shri O.P. Katial

s/o Shri Amar Chand Katial

A-265, Kalkaji Colony

New Delhi-110019

.. Applicant

By Shri S.N. Shukla, Advocate

VERSUS

The General Manager

Northern Railway

Baroda House, New Delhi

.. Respondent

By Shri D.N.Moolri, Advocate

ORDER(oral)

(By Hon'ble Vice-Chairman Shri N.V.Krishnan)

Neither the applicant nor his counsel is present. None is present on behalf of the respondents also. This item is listed at Sl.No.3 in the regular matters posted peremptorily for final hearing. In the circumstances, we have perused the records and decided to pass orders.

2. The applicant, since retired from 1.12.86, claims that his pay as Assistant Superintendent(Stores) should be fixed at the stage of Rs.700/- in the pay scale of that post instead of at Rs.675/, because his juniors S/Shri C.L.Gupta, B.N.Aggarwal, Asha Nand Kapoor and Satendra Pal, who were promoted to that post from a later date, have been given the benefit of fixation of

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pay at Rs.700/- in the pre-revised scale of Rs.550-750. Both the applicant and the other four persons mentioned above were officiating on the post of Assistant Superintendent(Stores).

3. The applicant made a representation on 15.10.87 (Annexure P-5) claiming the above relief, but this was rejected by letter dated 3.11.87 (Annexure P-6) on the ground that the stepping up of pay can not be done in case of promotion on ad-hoc basis. The applicant alongwith others were put through the selection on 14.5.86 and 19.6.86 for regular promotion to the post of Assistant Superintendent (Stores). The result of the said selection was not declared before the applicant retired on 30.11.86.

4. The respondents have relied on the Railway Board's letter dated 5.10.76 (Annexure P-7) which states that benefit of stepping pay may be given in respect of ad hoc promotion also provide the ad hoc promotion of the senior and junior persons are followed by regular promotion without break. In such cases the pay, the senior person should be stepped up from the date of promotion of junior person and from the date of regularisation of promotion. The applicant states that the Railway Board's letter has been wrongly interpreted by the respondents to reject his claim. Hence, the applicant has filed this OA for a direction to the respondent to step up his by fixing it at Rs.700/- with effect from 1.9.85 and refix his pay in the revised pay scale of Rs.1600-2660 and pay arrears on this account.

5. The respondent has filed his reply contending that there is no substance in this case. It is stated

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that the applicant and others were put through the selection, the results of which were declared in October, 1987. A copy of the result has been filed at Annexure R-1, where the names of the persons are placed in the list of promotion for the post of Assistant Superintendent (Stores), as a result of the Selection held on 14.5.86 and 19.6.86. The panel did not include the name of the applicant, as he was not selected. In the circumstances, the respondent contends that the applicant is not entitled to the benefit of fixation of pay at the higher rate as claimed.

5. We have perused the records. The Railway Board's letter dated 5.10.76 is very clear and there can be only one interpretation. There is, no doubt, that the benefit of stepping of pay may be ~~taken~~ ^{given} in respect of ad-hoc promotion also, only if the ad-hoc promotions are followed by regular promotion without a break. We do not find any merit in the contention of the applicant ^{that} ~~and~~ this letter has been wrongly interpreted by the respondent. It is clear from the facts given in the OA itself that before retirement, the applicant was not regularised for the simple reason that the results of the selection held in May and June, 1986 were announced only in October, 1987, long after the applicant has retired. That apart, in the panel of selected persons his name has not been included, he having not been found fit for selection. In the circumstances, we find no merit in this case and the OA is therefore dismissed. No costs.

[Signature]
(C.J. Roy)
Member (J)
25.11.93

[Signature]
(N.V. Krishnan)
Vice-Chairman (A)
25.11.93